

**From:** [Broyles, Ragan](#)  
**To:** [McQuiddy, David](#); [Mason, Steve](#); [Smith, Monica](#); [Ward, Misty](#); [Fife, Greg](#); [Foster, Althea](#); [Martin, John](#); [Leos, Valmichael](#)  
**Cc:** [Petersen, Chris](#); [Webster, Susan](#)  
**Subject:** FW: FYI -- WFAA last night  
**Date:** Wednesday, May 15, 2013 1:52:48 PM

---

What should we as a branch be doing to address this problem? Should we be looking at some geographical segmenting of the region and have Staff/OSC's start pushing LEPC's?

---

**From:** Mason, Steve  
**Sent:** Tuesday, May 14, 2013 10:26 PM  
**To:** Broyles, Ragan; McQuiddy, David  
**Cc:** Gray, David; Durant, Jennah  
**Subject:** FYI -- WFAA last night

## Few Texas counties follow federal chemical preparedness law

### NEWS 8 INVESTIGATES

A statewide survey by News 8 has found a dramatic lack of compliance with a federal mandate that orders counties to operate a planning committee that helps anticipate and respond to emergencies at plants storing hazardous chemicals.

Every county in Texas is required by the by the Environmental Protection Agency to have a Local Emergency Planning Committee, or LEPC, in place. These "serve as a focal point in the community for information and discussions about hazardous substance emergency planning," according to the Emergency Planning and Community Right to Know Act.

So why are so many Texas counties apparently not following the law?

Monday's meeting of the Dallas County Emergency Planning Committee consisted of a room full of local leaders from the emergency management, medical and business community.

A News 8 investigation analyzed what is billed as an active list of county LEPC coordinators, which is published by the Texas Division of Emergency Management.

Of the 254 counties in Texas, spokespeople for 35 of them said their counties have active LEPC meetings at least once a year. Meanwhile, 41 emergency management coordinators either admit to not having or could not provide proof of an existing LEPC.

The vast majority — 190 counties — either had outdated contact information or chose not to respond to News 8. This includes McLennan County, the location where the West Fertilizer Company plant exploded on April 17, killing 15 people.

Again, the LEPC's role is "local planning for hazardous materials." Residents in West who spoke to News 8 spoke said they had no idea explosive chemicals were located in their neighborhood.



9497512

"I've never known what was stored there, and I've lived here all my life," said Willie Zahirniak, whose home in West was damaged by the blast.

Jim Moore, Director of Progress Texas PAC, said the lack of compliance with the law in Texas comes as no surprise.

"So for the EPA to mandate something, the state legislature, the governor's office, even at the local level, they are just going to push back on it and maybe ignore it, which seems to be the case of what happened," Moore said.

The Texas Division of Emergency Management is charged with keeping track of the state's LEPCs and their membership.

At a hearing of the Texas House Public Safety Committee two weeks ago, Texas Emergency Management Chief Nim Kidd testified about the chemical explosion in West.

"I would submit to you that even in the midst of that great tragedy, the system worked," Chief Kidd testified.

But following the hearing, as Kidd rushed out of the hearing room, he told News 8 he did not have time to elaborate.

"What I said was the local emergency management officials responded to that incident," Kidd said as he briskly exited the Texas State Capitol annex.

For the past two weeks, Kidd has repeatedly declined formal interview requests. He also has not supplied membership rosters for all of the state's LEPCs, which News 8 has asked for repeatedly.

State Rep. Joe Pickett (D-El Paso), who chairs the Public Safety Committee, said the discovery of so many inactive LEPCs statewide is disturbing.

"But there's no reason why we, the State of Texas, through the Division of Emergency Management, can't just ask of each LEPC, 'Did you meet this year? Is your plan up-to-date?'"

Pickett said he wants to return focus to LEPCs throughout Texas, and believes the Division of Emergency Management should play a more assertive role.

"It doesn't matter what the original law was; the intent in my mind should be, 'Yes, Emergency Management should be running rip-shod over the Local Emergency Planning Commissions,'" Pickett said.

As for the Dallas County LEPC, it appears the disaster in West has sent a signal. Dallas County Emergency Management officials admit Monday's meeting was the first since 2010.

But County Judge Clay Jenkins says that's about to change.

"Obviously, this committee needs to meet," Jenkins said. "It needs to be vibrant, and — as the explosion in West shows — it has an important function, and we've got to meet and do that function."

Rep. Pickett said he will hold more committee hearings to discuss tougher requirements on LEPCs beginning next month.



Faithfully yours,

Steve Mason  
EPA Region 6 (6SF-PE)  
1445 Ross Avenue, Dallas, TX 75202  
214-665-2276  
mason.steve@epa.gov

"Frequently, my thoughts get bored and walk down to my mouth. Often, this is a bad thing."